

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL A. SCRIVEN,

Plaintiff,

vs.

Case No. 20-3110-SAC

SEDGWICK COUNTY BOARD
OF COMMISSIONERS, et al.,

Defendants.

O R D E R

This case is before the court upon plaintiff's motion for appointment of counsel. Doc. No. 15. In deciding whether to appoint counsel, the district court should consider "the merits of the prisoner's claims, the nature and complexity of the factual and legal issues, and the prisoner's ability to investigate the facts and present his claims." Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004). "It is not enough 'that having counsel appointed would have assisted [the prisoner] in presenting his strongest possible case, [as] the same could be said in any case.'" Steffey v. Orman, 461 F.3d 1218, 1223 (10th Cir. 2006)(quoting Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995)).

Here, the court understands that plaintiff may face some obstacles in presenting the facts and law concerning his case.

But, this case is in its earliest stage and is not terribly complex. Considering all of the circumstances, including plaintiff's ability to write and file pleadings, and that the merits of the case are unclear, the court shall deny plaintiff's motion for appointment of counsel without prejudice to plaintiff renewing his request at a later point in this litigation.

IT IS SO ORDERED.

Dated this 26th day of October, 2020, at Topeka, Kansas.

s/Sam A. Crow
U.S. District Senior Judge